

Commercial Development

Some commercial enterprises in Kingsville and Fork suffer from the inability to expand or improve due to physical constraints, and from the inability to attract new or replacement uses to the few appropriately zoned parcels of land with development potential. The fact that expanded commercial centers now exist in adjacent communities must also be considered. It is apparent that the environmental constraints imposed by the lack of public water and sewer have diminished the desirability of commercial development both from business and community standpoints. The need for certain basic services within the local community, however, is apparent.

Two separate commercial concepts need to be addressed. The first is the redevelopment and expansion of existing business. The second concept is the provision for new business. There currently is little demand for new business. Environmental constraints and projected traffic access indicate that in the future new business, if any, should be directed toward the area between the two divided portions of Belair Road north of Kingsville. Strip zoning is unacceptable. A survey should be undertaken by the County in conjunction with the local business and residential organizations to determine what is the actual usage of commercial land in the Community, and to determine whether there is a need for additional commercial zoning to replace the parcels of land zoned commercial but unusable due to physical constraints.

The need for existing business to improve and expand requires a creative approach. The existing businesses are vital to the Community. Their vitality not only serves the needs of the local residents, but they are as much of a component of the Community environment as the houses and farms. The deterioration of appearance of existing buildings, the lack of conformity of newer structures to older structures all detract from the overall Community.

The Baltimore County zoning regulations contain various tools for dealing with a rural community's ability to promote expansion of existing businesses and to enhance the ability of needed services to locate within the community. In the Community more extensive use of the Resource Conservation Commercial (RCC) zone and of the Commercial - Rural (CR) district must be encouraged. These zoning tools when coupled with the County's development requirements should serve both the commercial and residential communities. The commercial uses permitted by the rural zone and district were designed to be compatible with the rural nature of communities such as Kingsville - Fork - Upper Falls. The requirement of compatibility will raise important issues even on expansion of existing businesses.

Techniques to permit community-based commercial development and yet maintain the open areas are paramount to good planning. Studies by the Department of Environmental Protection and Resource Management of failing septic systems in the Community will be important in determining what options are available to local businesses to improve and possibly to expand.

RECOMMENDATIONS:

26. THAT AN EXTENSIVE INVENTORY OF EXISTING COMMERCIAL PROPERTY, BOTH OCCUPIED AND VACANT, BE CONDUCTED TO DETERMINE THE EXISTING AREA ZONED AND AVAILABLE FOR COMMERCIAL DEVELOPMENT BASED ON PHYSICAL CONSTRAINTS.

Until a detailed inventory of commercially available property is taken, it is impossible to determine whether there is sufficient commercial inventory or too much or too little. The zoning lines do not indicate whether adjacent rural conservation property is included in existing commercial businesses or whether environmental constraints preclude additional or any development. These determinations should be made with the cooperation of local business and property owners to determine the actual, usable inventory as well as the demand for expansion before substantial commercial rezoning is granted.

27. THAT THE CR DISTRICT OVERLAY OR THE RCC ZONE BE MAINTAINED ON COMMERCIAL PROPERTIES AND BE PLACED ON PROPERTIES WHICH MAY OBTAIN COMMERCIAL ZONING IN THE FUTURE AND THAT COMMERCIAL ENTERPRISES WORK CLOSELY WITH THE COMMUNITY, ADDRESSING ITS



"The need for existing business to improve and expand requires a creative approach."

Residential Land Use

It is anticipated that future residential growth will occur at approximately the same pace as in the past decade. The rate of growth is due in part to the high cost of land and of land development. Furthermore, much of the land currently zoned for residential development has physical constraints precluding the desirability of development.

The key issues with future residential development in the Community concern the design of the development. Current development requirements spread lots and houses over large tracts of land. The usual lot sizes are from one (1) to ten (10) acres. There is no provision for open space in current regulations nor for the acquisition of land for buffer areas, Greenways, etc. While there are concerns over the density of development, physical constraints historically have precluded density of the amount permitted by law. Actual densities are usually fifty percent (50%) of that permitted by current regulations. The fact that the density is spread out over a tract, however, gives a suburbanized image of the property incompatible with the rural character. Suburban sprawl also has been shown to have a negative impact on the environment.

Future residential subdivision design should above all be sensitive to environmental features. Stream buffers and woodland areas should not just be protected but conserved. Conservation includes not only preservation of the asset but management, enhancement and improvement under approved management plans.

Forests cover a large part of the Plan area. They provide habitat for wildlife, protect endangered species, improve water quality and account for much of the rural charm of the Community. Management of forest resources should be encouraged. Preservation of existing vegetation is not enough. Maintenance or enhancement by shrub or tree planting and control of noxious weeds or aggressive, non-native species may be required. Forest harvesting is a technique encouraged by the State Department of Natural Resources for the conserving and renewal of forest resources. A draft Forests and Wildlife plan for the Community is attached in Appendix D.

On forested properties subject to development, an overall plan, based on the State Forest Conservation Act of 1991 should be developed to guide afforestation, reforestation and forest management. This concept plan adopted with the development of the property should identify problems and propose solutions.

Stream buffer areas similarly should be conserved by property owners. Although the County has stringent stream buffer regulations, enhancement of stream buffers by developers is a concept which should be examined with the active involvement of the Gunpowder Valley Conservancy and the Greater Kingsville Civic Association. Stream buffers left unmanaged may

actually deteriorate through the invasion of pest vegetation prevalent, although not native, in the area. New plantings should be encouraged through an incentive program.

The protection of open space is a primary Community concern. The Community is characterized by open fields, woodlands, and the mixture of residences and farmland. The provision for open space can be accomplished through legislation and through design techniques. For the purposes of this Master Plan the term "open space" means areas unimproved by non-agricultural structures containing five (5) contiguous acres or more. Clustering of homes, that is a grouping of single family homes on one portion of a property to allow for preservation of substantial open space on the remainder of the property, would permit larger parcels to maintain farmland or woodland and would counter the tendency toward suburban sprawl over the countryside. Clustering would not permit more homes than now permitted, nor is it intended to result in any more housing than currently permitted or available on a tract of land by current development techniques or by percolation, but it would permit large fields and forests to remain and would promote agricultural use.

Clustering of houses also would be more compatible with the older residential community than more modern development. Many of the houses in the Community are built on small lots of less than an acre in size. Houses in the immediate vicinity of Kingsville's center are built on half acre lots. The Community has retained its rural character because those clustered homes are surrounded by open fields and farmlands.

If clustering is adopted, open space availability is much improved, but all development of significant scope should have an area set aside either on individual lots or in single ownership where additional non-agricultural construction is not permitted. The location of the open space would depend on environmental sensitivity, protection of neighboring agriculture, visual impact, and compatibility of the proposed development with neighboring properties. The quantity of open space would depend on the acreage involved, the maintenance of the rural character of the area, and the sensitivity of the property. Open space use would be passive in nature, except that some non-intensive, agricultural uses would be permitted. Construction in open space would be limited to barns, livestock sheds and fencing to be approved on an individual basis based on design and location. Open space areas should be protected and maintained by covenants and/or by easements placed on the land.

Not all open space, however, is of equal quality. Provision should be made for development to fund the acquisition of open space and of Greenways and buffer easements. This acquisition can be accomplished if payments from developers are sought in lieu of open space requirements on individual developments. Much of the acreage in the Plan Area is in tracts of less than fifty (50) acres. Many of the parcels are less than ten (10) acres. Open space requirements applied uniformly to such parcels may not yield the visual, environmental and compatibility enhancement sought in the requirement. The County in working with the residents and

developer should have the flexibility to require funding contributions in lieu of open space requirements so that buffer areas can be provided in sensitive areas or so that Greenway easements can be acquired. By appropriate application of various development options both the developer, the proposed residents and the existing residents should benefit from the results of well-planned and designed development.

Because of the need to preserve the farming area of the Community, it is important that the R.C. 2 zoned property not be reclassified to R.C. 5 to permit the development of additional residential housing. The primary purpose of the R.C. 2 zone indicated in the zoning regulations is "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County." This purpose is no less important to the Plan Area. Although several residential developments have been grandfathered in the R.C. 2 zoned area, thereby indicating a larger agricultural area than actually exists, this diminution of acreage actually devoted to agriculture makes the remaining acreage so zoned all the more valuable to the Community.

RECOMMENDATIONS:

28. THAT FOREST CONSERVATION PLANS BE REQUIRED AS PART OF ANY PLAN OF RESIDENTIAL DEVELOPMENT OF THREE LOTS OR MORE.

The Forest Conservation Act of 1991 requires new development to comply with certain criteria, concerning management of existing woodland, afforestation/reforestation. The County should enact criteria, which require developers to file as part of their submittal, plans pertaining to woodlands on the site and their conservation.

29. THAT REPLANTING OF VEGETATION BE ENCOURAGED AS PART OF STREAM BUFFER AND FOREST BUFFER EASEMENT PROGRAMS.

Currently, stream buffer requirements only prohibit intrusion. They do not address remediation of conditions occurring prior to development such as the intrusion of unwanted, foreign species of vegetation, which do nothing to enhance water quality. Developers should be given incentives to improve water quality by planting within the buffer and providing for maintenance of selected species of vegetation.

30. THAT PLANS FOR DEVELOPMENT SHOULD MAKE PROVISION FOR OPEN SPACE OR FOR PAYMENT INTO OPEN SPACE ACQUISITION FUNDS ADMINISTERED BY THE COUNTY.

Rural open space would serve a different purpose than local open space programs in the urbanized areas of the County. While passive recreation may be a component of open space, the real purpose of the open space would be to provide buffers and to protect environmental areas and Community character.

31. THAT THE COUNTY ADOPT A COMPREHENSIVE SCHEME OF REGULATIONS PERMITTING THE CLUSTERING OF HOMES IN RESIDENTIAL SUBDIVISIONS.

Clustering is considered to be the location of single family, detached houses in a designated area or areas within a site in order to provide areas of open space. Clustering of houses is not unanimously favored, but from the standpoint of protecting open areas and preserving vistas, meadows and forests, it is far superior to the sprawl encouraged by current zoning and development regulations. Issues pertaining to overall density need to be addressed, but if clustering were adopted in conjunction with open space requirements and an overall density formula, then the potential for improvement in new rural development would outweigh potential problems. The regulations also will need to address significant concerns over the long term management and protection of the open space.

32. THAT THE EXISTING R.C. 2 ZONED LAND WITHIN THE COMMUNITY NOT BE REZONED TO R.C. 5 TO PERMIT THE DEVELOPMENT OF ADDITIONAL RESIDENTIAL HOUSING.

It is important that the farming land within the Community be preserved, and accordingly, the R.C. 2 zoned land should not be reclassified to permit additional housing to intrude on the prime farming areas within the Community.